

4269301C

ECS File: JPA-89-89
Project: Storm Drain
Section: US 60
Bush Hwy - Sossaman Rd

LETTER OF UNDERSTANDING
BETWEEN
THE STATE OF ARIZONA
AND
CITY OF MESA

THIS AGREEMENT is entered into 31 October, 1989, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and the CITY OF MESA, acting by and through its City Council (the "City").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes Section 28-108 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has delegated to the undersigned the authority to execute this agreement on behalf of the State.

2. City is empowered by Arizona Revised Statutes Section 48-572 and City Charter Article 1, Section 103 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has authorized the undersigned to execute this agreement on behalf of the City.

3. State and City desire to construct certain improvements to the Storm Drain system along US 60 (E. Main Street) for the benefit of the motoring public.

THEREFORE, in consideration of the mutual agreements expressed herein, it is agreed as follows:

II. SCOPE OF WORK:

1. City will:

a. Design the project, provide plans and specifications and construction engineering.

b. Call for bids and award one or more construction contracts for the project.

c. Administer construction and upon completion and acceptance by City and State, invoice State in an amount of fifty percent of the actual project costs, including engineering.

d. Be responsible for contractor claims for extra compensation attributable to City by State.

e. Upon completion and acceptance of the project accept responsibility for the roadway, rights-of-way and all appurtenances.

2. State will:

a. Review plans and specifications and provide comments as appropriate.

b. Upon receipt of invoice for the project, pay City fifty percent of the actual project costs, including engineering.

c. Upon completion and acceptance of the project, abandon the roadway, rights-of-way and all appurtenances to the City.

III. MISCELLANEOUS PROVISIONS

1. This agreement shall remain in force and effect until completion of said project; provided, however, that this agreement, except any provisions herein for maintenance, which shall be perpetual, may be cancelled at any time prior to the award of a construction contract, upon thirty (30) days written notice to the other party.

2. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.

3. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

4. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes Section 12-1518(B) and (C).

5. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation
Engineering Consultants Services
205 South 17 Avenue, Room 118E
Phoenix, AZ 85007

City Manager
City of Mesa
Box 1466
Mesa, AZ 85211-1466

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

CITY OF MESA

STATE OF ARIZONA

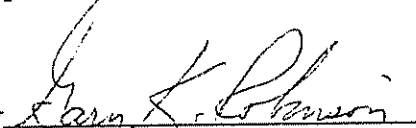
Department of Transportation

By



Title City Manager

By



GARY K. ROBINSON

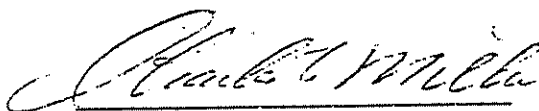
Chief Deputy State Engineer

1959j
8JUN

RESOLUTION

BE IT RESOLVED on this 8th day of June 1989, that I, CHARLES L. MILLER, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Highways Division, to enter into an agreement with the City of Mesa, for the purpose of constructing a storm drain along US 60 in the City of Mesa.

Therefore, authorization is hereby granted to draft said agreement which, upon completion, shall be submitted for approval and execution by the Chief Deputy State Engineer.



CHARLES L. MILLER, Director
Arizona Department of
Transportation

RESOLUTION NO. 6168

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT ON BEHALF OF THE CITY OF MESA WITH THE ARIZONA DEPARTMENT OF TRANSPORTATION.

Section 1: That the agreement for construction and cost participation for a storm drain on East Main Street (U.S. 60), from Bush Highway (Power Road) to Sossaman Road, between the City of Mesa and the Arizona Department of Transportation is hereby approved.

Section 2: That the City Manager is authorized and directed on behalf of the City of Mesa to execute the agreement and the City Clerk is authorized and directed to attest to the signature of the City Manager thereon.

PASSED AND ADOPTED by the City Council of the City of Mesa, Maricopa County, Arizona, this 16th day of October, 1989.

APPROVED:

Peggy Rubach
Mayor

ATTEST:

SM Eggers
City Clerk